

**Date:** December 2, 2014

**To:** Thomas J. Bonfield, City Manager  
**Through:** W. Bowman Ferguson, Deputy City Manager  
**From:** Marvin G. Williams, Director of Public Works  
**Subject:** Agenda Item – Public Hearing on Rescinding Petitioned Sidewalks

### **Executive Summary**

At the September 4, 2014 City Council Work Session, an item was brought before Council regarding the prioritization of sidewalk construction, including eleven sidewalk projects previously ordered by City Council as a result of petitions from abutting property owners. Further discussions were held at the City Council Work Session on November 20, 2014, to discuss the existing list of ordered petitioned sidewalks. Given the limited funds available and the desire to construct sidewalks in a strategic manner, several alternatives were posed to City Council. Regardless of the direction taken, a rescission of previous actions ordering the sidewalks would need to occur in order to not build the petitioned sidewalks or to build and assess them at a higher rate. Therefore, the City Council, at its meeting of December 1, 2014, adopted a resolution setting a public hearing for January 5, 2015, to consider a resolution to rescind eleven previously ordered petitioned sidewalks.

### **Recommendation**

The Public Works Department recommends that City Council conduct a public hearing to receive comments on rescinding eleven previously ordered petitioned sidewalks and adopt a resolution rescinding the following previously ordered sidewalks:

1. South Roxboro Street (East Side) from Juliette Drive south to Greyfield Boulevard
2. Juliette Drive (North Side) from South Roxboro Street to PIN #0729-01-16-2672
3. Infinity Road (South Side) from Shadebush Drive to Lazyriver Drive
4. Green Street (South Side) from Gregson Street to Watts Street
5. Monmouth Avenue (South Side) from North Buchanan Boulevard to Watts Street
6. Fayetteville Road (West Side) from the north property line of PIN 0717-02-69-7405 to the south property line of PIN 0717-02-69-7405
7. Sedwick Road (North Side) from Revere Road to Grandale Drive
8. University Drive (East Side) from Durham Chapel Hill Boulevard to West Forest Hills Drive
9. Hardwick Drive (North Side) from the west property line of PIN 0728-03-24-3003 to Wellingham Drive
10. Yorktown Ave (West Side) from Martin Luther King, Jr Parkway northeast to the northeast property line of PIN 0739-01-05-9585
11. Grandale Drive (East Side) from Sedwick Road to Lyon Farm Drive

## **Background**

City Council has had multiple discussions regarding the strategic prioritization of construction of sidewalks on the Durham Walks! Pedestrian Plan (the Plan), as well as sidewalks previously ordered to be built by City Council as a result of valid petitions from abutting property owners. In order to bring the petition process more in line with the Durham Walks! Pedestrian Plan, City Council adopted Resolution #9846 and Ordinance #14408 on March 4, 2013. Those items established two types of petitioned sidewalks – those inside the Plan and those outside the Plan – with a maximum assessment rate of \$35.00 per front foot for ordered petitioned sidewalks that lie within the approved Durham Walks! Pedestrian Plan and an actual cost assessment rate for sidewalks outside the Plan, for any sufficient petition received by the City on or after April 1, 2013. In addition, the sufficiency criteria was changed to require legal owners of 70% of the lots with road frontage within the project limits to sign the petition and those signatures to represent at least 70% of the length of the road frontage within the project limits.

However, the eleven sidewalks on the current list of ordered petitioned sidewalks were all ordered by City Council under sufficiency criteria (over 50%) and the maximum assessment rate (\$5.00 per front foot) that were in effect for petitions received prior to April 1, 2013. Given the current construction costs, the limited funding available, and a desire by Council to adhere to the sidewalk construction priority established by the Durham Walks! Pedestrian plan, City Council has set a public hearing to consider rescinding the ordering of the eleven petitioned sidewalks.

## **Issues/Analysis**

Should City Council rescind the eleven previously ordered petitioned sidewalks, new petitions could be issued if requested by a “sponsor”, under current policy for those sidewalks. Five of the sidewalks (S. Roxboro Street, Green Street, Sedwick Road, University Drive, and Grandale Drive) are included in the Plan and would therefore be eligible to petition at an assessment rate of \$35.00 per front foot, with a sufficiency requirement of 70%. The other six projects (Juliette Drive, Infinity Road, Monmouth Avenue, Fayetteville Road, Hardwick Drive, and Yorktown Avenue) are not in the Plan, and therefore would be subject to actual construction cost assessments and 70% sufficiency requirements under current policy.

## **Alternatives**

- 1) The City Council could refrain from adopting the proposed resolution and maintain the current petitioned sidewalk list, construct the sidewalks as funds become available, and assess them at the rates under which they were originally ordered.
- 2) The City Council could adopt the attached resolution to rescind the eleven previously ordered petitioned sidewalk projects. New petitions could be issued if requested by a “sponsor” under the current criteria and rates as adopted on March 4, 2013.
- 3) The City Council could adopt the attached resolution to rescind the eleven previously ordered sidewalk projects and subsequently revise current policy to establish sufficiency criteria and assessment rates that would apply to these projects.
- 4) The City Council could adopt the attached resolution to rescind the ordering of the eleven petitioned sidewalk projects and subsequently add these sidewalks to the Durham Walks! Pedestrian Plan and have them constructed based on their individual ranking. This would result in no assessment against the abutting properties.

**Financial Impact**

Assessment revenue would be totally lost if all of the petitions were rescinded and no sufficient petitions were re-submitted. Should new petitioned sidewalks be ordered by Council, the assessment revenue would be dependent upon the assessment rate established by Council for those projects.

**SDBE Summary**

No SDBE implications have been identified for this matter.

MGW/mln